

**Senate File 388 - Introduced**

SENATE FILE 388  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 246)

**A BILL FOR**

1 An Act relating to certain civil and criminal enforcement  
2 activities involving the practice of massage therapy and  
3 cosmetology, and human trafficking, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   152C.5B   License and  
2 government-issued identification — peace officer request.

3     1.   For purposes of this section, unless the context  
4 otherwise requires:

5     *a.*   "Government-issued identification" means any of the  
6 following:

7       (1)   An unexpired driver's license issued by any state,  
8 territory, or district of the United States.

9       (2)   An unexpired identification card issued by any state,  
10 territory, or district of the United States.

11       (3)   An unexpired United States passport.

12       (4)   A naturalization certificate issued by the United  
13 States citizenship and immigration services.

14       (5)   An unexpired permanent resident card, also known as  
15 a green card, issued by the United States citizenship and  
16 immigration services.

17       (6)   An unexpired employment authorization document issued  
18 by the United States citizenship and immigration services.

19     *b.*   "Peace officer" means any of the following:

20       (1)   Sheriffs and their regular deputies who are subject to  
21 mandated law enforcement training.

22       (2)   Marshals and police officers of cities.

23       (3)   Peace officer members of the department of public safety  
24 as defined in chapter 80.

25       (4)   Special security officers employed by board of regents  
26 institutions as set forth in section 262.13.

27       (5)   Such employees of the department of transportation as  
28 are designated "*peace officers*" by resolution of the department  
29 under section 321.477.

30       (6)   Employees of an aviation authority designated as "*peace*  
31 *officers*" by the authority under section 330A.8, subsection 16.

32     2.   A person licensed or who purports to be licensed under  
33 this chapter shall, upon the request of any peace officer  
34 investigating a complaint of illegal services, present a  
35 copy of the person's valid massage therapist license and

1 government-issued identification to the peace officer. A  
2 person who violates this subsection commits a serious  
3 misdemeanor.

4 Sec. 2. NEW SECTION. 152C.5C **Announcements to the public.**

5 1. For purposes of this section, "*announcement to the*  
6 *public*" means the use of any print media, broadcast media,  
7 subscription internet site, internet site available to the  
8 public, or any other means to do any of the following:

- 9 a. Advertise or market massage therapy services.  
10 b. Provide a site for clients to post reviews.  
11 c. Offer a virtual marketplace at which goods or services  
12 may be offered or clients may be solicited.

13 2. A person shall not do any of the following in an  
14 announcement to the public:

- 15 a. Represent that another person is licensed under this  
16 chapter when the person knows, or has reason to know, that the  
17 other person is not licensed.  
18 b. Falsely represent the person's self as licensed under  
19 this chapter.  
20 c. Offer the services of massage therapy if paragraph "a" or  
21 "b" of this subsection applies.  
22 d. Offer, or imply the offer of, services that violate state  
23 law.

24 3. A person who violates subsection 2 commits a serious  
25 misdemeanor.

26 Sec. 3. NEW SECTION. 157.4A **License and government-issued**  
27 **identification — peace officer request.**

28 1. For purposes of this section, unless the context  
29 otherwise requires:

30 a. "*Government-issued identification*" means any of the  
31 following:

32 (1) An unexpired driver's license issued by any state,  
33 territory, or district of the United States.

34 (2) An unexpired identification card issued by any state,  
35 territory, or district of the United States.

1 (3) An unexpired United States passport.

2 (4) A naturalization certificate issued by the United  
3 States citizenship and immigration services.

4 (5) An unexpired permanent resident card, also known as  
5 a green card, issued by the United States citizenship and  
6 immigration services.

7 (6) An unexpired employment authorization document issued  
8 by the United States citizenship and immigration services.

9 *b. "Peace officer" means any of the following:*

10 (1) Sheriffs and their regular deputies who are subject to  
11 mandated law enforcement training.

12 (2) Marshals and police officers of cities.

13 (3) Peace officer members of the department of public safety  
14 as defined in chapter 80.

15 (4) Special security officers employed by board of regents  
16 institutions as set forth in section 262.13.

17 (5) Such employees of the department of transportation as  
18 are designated "*peace officers*" by resolution of the department  
19 under section 321.477.

20 (6) Employees of an aviation authority designated as "*peace*  
21 *officers*" by the authority under section 330A.8, subsection 16.

22 2. A person licensed or who purports to be licensed under  
23 this chapter shall, upon the request of any peace officer  
24 investigating a complaint of illegal services, present a copy  
25 of the person's valid license issued pursuant to this chapter  
26 and a government-issued identification to the peace officer.

27 **Sec. 4. NEW SECTION. 157.4B Announcements to the public.**

28 1. For purposes of this section, "*announcement to the*  
29 *public*" means the use of any print media, broadcast media,  
30 subscription internet site, internet site available to the  
31 public, or any other means to do any of the following:

32 *a.* Advertise or market cosmetology services.

33 *b.* Provide a site for clients to post reviews.

34 *c.* Offer a virtual marketplace at which goods or services  
35 may be offered or clients may be solicited.

1     2. A person shall not do any of the following in an  
2 announcement to the public:

3     a. Represent that another person is licensed under this  
4 chapter when the person knows, or has reason to know, that the  
5 other person is not licensed.

6     b. Falsely represent the person's self as licensed under  
7 this chapter.

8     c. Offer, or imply the offer of, services that violate state  
9 law.

10    3. A person who violates subsection 2 commits a serious  
11 misdemeanor.

12    Sec. 5. Section 710A.1, subsection 3, Code 2021, is amended  
13 to read as follows:

14    3. "*Forced labor or services*" means labor or services  
15 that are performed or provided by another person and that are  
16 obtained or maintained through any of the following:

17    a. Causing or threatening to cause serious physical injury  
18 to any person.

19    b. Physically restraining or threatening to physically  
20 restrain another person.

21    c. Abusing or threatening to abuse the law or legal process.

22    d. Knowingly destroying, concealing, removing,  
23 confiscating, or possessing any actual or purported ~~passport or~~  
24 ~~other immigration document, or any other actual or purported~~  
25 ~~government identification document,~~ of another person.

26    e. Knowingly providing or facilitating the provision of  
27 a forged, altered, or fraudulent license purportedly issued  
28 pursuant to chapter 152C or 157, or a forged, altered, or  
29 fraudulent government identification, to another person in  
30 order to force, coerce, entice, assist, facilitate, or permit  
31 the other person to perform labor or services.

32    f. Knowingly forcing, coercing, enticing, assisting,  
33 facilitating, or permitting another person in possession of  
34 a forged, altered, or fraudulent license purportedly issued  
35 pursuant to chapter 152C or 157, or a forged, altered, or

1 fraudulent government identification, to produce such license  
 2 or government identification to a peace officer upon request of  
 3 the peace officer pursuant to section 152C.5B or 157.4A.

4 g. Knowingly forcing, coercing, intimidating, or compelling  
 5 another person to perform an act in violation of state or  
 6 federal law through the use of debt bondage or servitude or as  
 7 a condition of being allowed to remain in the United States.

8 Sec. 6. Section 710A.2, subsection 6, Code 2021, is amended  
 9 to read as follows:

10 6. A person who knowingly engages in human trafficking  
 11 by knowingly destroying, concealing, removing, confiscating,  
 12 or possessing any actual or purported ~~passport or other~~  
 13 ~~immigration document, or any other actual or purported~~  
 14 ~~government identification document of a victim~~ another person  
 15 is guilty of a class "D" felony, except ~~that~~ if that other  
 16 person is under the age of eighteen, the person is guilty of a  
 17 class "C" felony.

18 Sec. 7. Section 710A.2, Code 2021, is amended by adding the  
 19 following new subsections:

20 NEW SUBSECTION. 7A. A person who knowingly engages in  
 21 human trafficking by knowingly providing or facilitating  
 22 the provision of a forged, altered, or fraudulent license  
 23 purportedly issued pursuant to chapter 152C or 157, or a  
 24 forged, altered, or fraudulent government identification to  
 25 another person, to force, coerce, entice, assist, facilitate,  
 26 or permit the other person to perform labor or services is  
 27 guilty of an aggravated misdemeanor, except if that other  
 28 person is under the age of eighteen, the person is guilty of a  
 29 class "D" felony.

30 NEW SUBSECTION. 7B. A person who knowingly engages in  
 31 human trafficking by knowingly forcing, coercing, enticing,  
 32 assisting, facilitating, or permitting another person in  
 33 possession of a forged, altered, or fraudulent license  
 34 purportedly issued pursuant to chapter 152C or 157, or a  
 35 forged, altered, or fraudulent government identification, to

1 produce such license or government identification upon request  
2 of a peace officer pursuant to section 152C.5B or 157.4A, is  
3 guilty of an aggravated misdemeanor, except if that other  
4 person is under the age of eighteen, the person is guilty of a  
5 class "D" felony.

6 NEW SUBSECTION. 9. A person who is found guilty, enters  
7 a plea of guilty, receives a deferred judgment, or receives a  
8 deferred or suspended sentence for a violation of this chapter  
9 shall be ineligible for a license pursuant to chapter 152C or  
10 157 for a period of not less than five years from the date of  
11 conviction, plea, judgment, or sentence.

12 Sec. 8. NEW SECTION. 710A.2B Premises used for human  
13 trafficking.

14 1. A person who owns, rents, leases, or uses any part of  
15 a building, structure, boat, trailer, or other place offering  
16 shelter or seclusion, and who knows, or has reason to know,  
17 that the building, structure, boat, trailer, or other place  
18 offering shelter or seclusion is being used for the purposes of  
19 human trafficking, commits a class "D" felony.

20 2. It shall be an affirmative defense to a prosecution of a  
21 person pursuant to subsection 1, if immediately upon acquiring  
22 knowledge that the building, structure, boat, trailer, or other  
23 place offering shelter or seclusion is used for the purposes of  
24 human trafficking, the person notifies a law enforcement agency  
25 with jurisdiction and fully cooperates with any subsequent  
26 investigation.

27 3. a. If a law enforcement agency notifies a person who  
28 owns, rents, leases, or uses any part of a building, structure,  
29 boat, trailer, or other place offering shelter or seclusion  
30 of an investigation pursuant to chapter 152C or 157 that may  
31 involve the building, structure, boat, trailer, or other  
32 place offering shelter or seclusion, the person shall have an  
33 affirmative duty to fully cooperate with the investigation.

34 b. A person who fails to fully cooperate with an  
35 investigation pursuant to paragraph "a", commits a serious





1 cosmetology, and human trafficking, and provides penalties.

2 PRACTICE OF MASSAGE THERAPY AND COSMETOLOGY. The bill  
3 provides that a person who is licensed or who purports to be  
4 licensed in massage therapy pursuant to Code chapter 152C,  
5 or in cosmetology pursuant to Code chapter 157, must, upon  
6 the request of a peace officer investigating a complaint of  
7 illegal services, present a copy of the person's valid license  
8 and a government-issued identification to the peace officer.  
9 A person who fails to comply with such a request commits  
10 a serious misdemeanor. The bill provides definitions of  
11 "government-issued identification" and "peace officer".

12 The bill prohibits a person, in an announcement to the  
13 public, from representing that another person is licensed  
14 as a massage therapist or a cosmetologist, when the person  
15 knows or has reason to know the other person is not licensed  
16 as a massage therapist or a cosmetologist. A person is also  
17 prohibited from falsely representing the person's self as being  
18 licensed as a massage therapist or a cosmetologist. A person  
19 who violates either provision commits a serious misdemeanor.

20 The bill provides a definition of "announcement to the public".

21 HUMAN TRAFFICKING. The bill provides that a person who  
22 knowingly engages in human trafficking by knowingly providing  
23 or facilitating the provision of a forged, altered, or  
24 fraudulent license purportedly issued pursuant to Code chapter  
25 152C or 157, or a forged, altered, or fraudulent government  
26 identification, to another person to force, coerce, entice,  
27 assist, facilitate, or permit the other person to perform labor  
28 or services, is guilty of an aggravated misdemeanor. If the  
29 other person is under the age of 18, the person is guilty  
30 of a class "D" felony. The bill provides that a person who  
31 knowingly engages in human trafficking by knowingly forcing,  
32 coercing, enticing, assisting, facilitating, or permitting  
33 another person in possession of a forged, altered, or  
34 fraudulent license purportedly issued pursuant to Code chapter  
35 152C or 157, or a forged, altered, or fraudulent government

1 identification, to produce such license or government  
2 identification to a peace officer upon request of a peace  
3 officer, is guilty of an aggravated misdemeanor. If the other  
4 person is under the age of 18, the person is guilty of a class  
5 "D" felony. A person who is found guilty, enters a plea of  
6 guilty, receives a deferred judgment, or receives a deferred or  
7 suspended sentence for either violation shall be ineligible for  
8 a massage therapist or cosmetologist license for at least five  
9 years.

10 The bill expands the definition of "forced labor or  
11 services" in Code section 710A.1 to include knowingly forcing,  
12 coercing, intimidating, or compelling another person to perform  
13 an act in violation of state or federal law through the use of  
14 debt bondage or servitude or as a condition of being allowed  
15 to remain in the United States.

16 The bill provides that a person who owns, rents, leases, or  
17 uses any building, structure, boat, trailer, or other place  
18 offering shelter or seclusion, and who knows or has reason to  
19 know that the building, structure, boat, trailer, or other  
20 place is being used for human trafficking, commits a class  
21 "D" felony. It is an affirmative defense if, immediately  
22 upon acquiring knowledge of the human trafficking, the person  
23 notifies a law enforcement agency with jurisdiction and fully  
24 cooperates with any subsequent investigation.

25 The bill also provides that if a law enforcement agency  
26 notifies a person who owns, rents, leases, or uses any part of  
27 a building, structure, boat, trailer, or other place offering  
28 shelter or seclusion of an investigation pursuant to Code  
29 chapter 152C or 157, that may involve the building, structure,  
30 boat, trailer, or other place offering shelter or seclusion,  
31 the person has an affirmative duty to fully cooperate with the  
32 investigation. A person who fails to fully cooperate with an  
33 investigation commits a serious misdemeanor.

34 The bill provides that a court may order restorative  
35 expenses for a period of three years as part of a human

1 trafficking victim's restitution. The bill defines  
2 "restorative expenses" as the projected costs of education,  
3 vocational training, medical health, mental health,  
4 transportation, housing, child care, or other projected  
5 costs that will aid in a victim's recovery. The court is  
6 prohibited from considering a defendant's ability to pay in the  
7 court's decision to order restorative expenses. A defendant's  
8 obligation to pay court-ordered restorative expenses is not  
9 dischargeable in any proceeding under the federal Bankruptcy  
10 Act.

11 The bill provides that if during the course of an  
12 investigation of or prosecution for human trafficking, a peace  
13 officer has reason to believe that a person who purports to  
14 be licensed as a massage therapist or a cosmetologist does  
15 not possess a valid license, or is in violation of any other  
16 state or federal laws, the peace officer may report such  
17 noncompliance to the appropriate licensing board under the  
18 professional licensure division within the department of public  
19 health, and to the appropriate state or federal authorities.